

From: Lars Johansson
To: Microsoft ATR
Date: 1/25/02 1:36pm
Subject: Microsoft Settlement

BlankGentlemen:

The current Microsoft case is about providing a fair opportunity for all to compete on a level playing field. A federal district court and the District of Columbia Court of Appeals both determined that Microsoft broke the law by illegally maintaining its monopoly in computer operating systems and applications. When a monopolist abuses its position of power to choke off competition by its rivals, it is not only bad for consumers, competing businesses, and the market place, it is also illegal.

The United States Department of Justice has proposed a settlement. This letter is written pursuant to federal law which requires the Court to take public comment on the settlement to determine whether approval of the settlement should be granted. The determination shall be based on whether the settlement is in the public interest.

The proposed settlement stipulates in part that Microsoft will provide a certain amount of computer hardware and applications to schools. Unfortunately this "penalty" will only strengthen Microsoft's monopoly in the long run. Expressed in the simplest of terms, the proposed settlement is no different than putting the fox in charge of the hen house. As further elaborated upon below it is my opinion that the settlement is not in the public interest and, therefore, it should be rejected.

The consumer must be given a free choice to purchase hardware, operating systems, and applications commensurate with his real needs rather than needs perceived and dictated by Microsoft. By opening up the market place to competition the consumer will be assured that the cost of software goes down and that its reliability increases. In fact, software at least equal to that now bundled into the Windows operating system is readily available in the market place for a fraction of the cost Microsoft charges.

Let me provide two examples of the costly dilemma an individual user such as myself can be forced into as a result of Microsoft's abuse of power, and which will not be corrected in the proposed settlement:

1) Two years ago I attempted to buy a lap top computer to be used as a navigational and radio communication aid on my boat during long offshore passages. Needless to say, I had no intention to make my navigation station into an entertainment center, nor did I have any desire to use up valuable space on my hard drive, intended primarily for chart storage, for applications such as word processing, spreadsheet programs, browsers, etc. Considering reliability and service I approached several of the major vendors, such as Dell, Compaq and Gateway, about buying a computer with only the Windows 98 operating system installed. The companies I contacted did not even have the courtesy of providing a response. In fact, they were most likely prohibited from meeting my requirements under their exclusive agreements imposed by Microsoft. I ended up buying a lesser known brand.

2) For home use I have used Lotus Products during many years. Although a few years old this software is more than adequate for my purposes and will meet my requirements for many years to come. I have also developed extensive spreadsheet programs in Lotus 1-2-3 97 which I use daily and which would take weeks to adapt to Excel. It follows that if I were to buy a new home computer today I would be forced to pay for a range of Microsoft applications which I have no use for, and which I would most certainly delete immediately.

In summary, I recognize that Windows is the operating system of choice for nearly all computer users. However the market place must be opened up to competition in order to to achieve the goals outlined above. Microsoft must be forced to:

- a) discontinue "bundling" of unrelated applications into its Windows operating system, and
- b) allow the computer manufacturers to pre-load applications of the consumer's choice, if any. Needless to say, this second requirement may require monitoring of the computer manufacturers as well.

Sincerely,

Lars Johansson
246 La Pera Circle
Danville, CA 94526-3025 39